

REMARKS

Claims 1, 2, 7-11, 17, and 18 were rejected as being obvious over U.S. Patent 2,635,289 to Owens in view of U.S. Patent 2,427,870 to Mitchell. The applicant traverses.

As is recognized by the Examiner, the previous rejections to the claims now at issue which involved Owens as a principle reference were overturned on appeal to the Board of Appeals and Patent Interferences.

The Examiner cites U.S. Patent 2,427,870 to Mitchell as a secondary reference and takes the position that Board of Appeals decision was limited to whether one of ordinary skill in the art would have looked to the disclosure of Towns (no longer at issue) to improve the mounting device for optical instruments taught by Owens.

This is simply not correct. The Board of Appeals looked at the claimed invention which was drawn to a method of making bottle caps. The Examiner has now cited a reference to Mitchell which describes a paper weight. The principle reference to Owens was drawn to a method of producing optical and precision instruments. Thus, at this point in the prosecution of the case, the Examiner now asserts that a claimed method of making bottle caps would be obvious to one of ordinary skill in the art based on the teachings of two references, neither of which pertains to making bottle caps.

As the Examiner will recognize, the Board did recognize the full teachings of that which is disclosed in Owens. The reference to Mitchell shows lucite paper weights. It Mitchell does not show either

selecting a radius of curvature for at least one of an upper or lower convex surface of a top portion of each bottle cap of a plurality of bottle caps or

pressing a single piece of plastic that is in the shape of a bottle cap, or will be formed into the shape of a bottle cap, having said top portion and an annular bottle engaging portion which includes a lid wall with an inwardly projecting hook region at its base for selectively affixing the bottle cap to a top of a bottle, wherein said at least one of said upper or lower convex surfaces of said top portion of each bottle cap of said plurality of bottle caps to be made has said radius of curvature selected in said selecting step so as to provide optical magnification of objects

viewed through said top portion

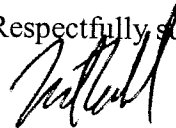
The Examiner appears to be relying on Mitchell as showing the channel or hook shape for the bottle cap which is claimed in claim 1 (see page 4 of office action). However, it is quite clear that Mitchell does not disclose the ability to press lucite into a bottle cap shape, or even the shape of a paper weight, with a hook type connection. Given the thickness of the paper weight shown in Figures 2 and 3, it would simply be incorrect to conclude that anything was pressed into shape from Mitchell. As such, Mitchell could not be combined with Owens as the Examiner proposed to make a "channel or hook shape [as] desirable for mounting this type of lens". More importantly, no combination of Owens and Mitchell would lead one of ordinary skill in the art to the claimed method of producing bottle caps.

Given the Decision by the Board, and the comments noted above concerning the newly cited reference, it is respectfully requested that the application be reconsidered, that claims 1, 2, 7-11, and 17-18 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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